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SERVICE DATE – MAY 17, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 787X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN BRONX COUNTY, N.Y.

Decided: May 16, 2019

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon an approximately 1.8-mile rail line on its Port Morris Branch, Albany Division, between milepost QVP 0.0 and milepost QVP 1.8 in Bronx County, N.Y. (the Line). Notice of the exemption was served and published in the Federal Register on February 8, 2019 (84 Fed. Reg. 2942). The exemption became effective on March 12, 2019.

By decision and notice served on March 8, 2019, the Board imposed a condition recommended by the Board's Office of Environmental Analysis (OEA) in an Environmental Assessment (EA) served February 15, 2019, and a final EA dated March 6, 2019. The condition requires that, pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.), CSXT shall: (1) consult with the New York State Department of State (NYSDOS) and obtain state coastal management consistency certification, and (2) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

In a supplemental final EA dated April 29, 2019, OEA states that it received one new comment in response to that condition. By letter dated April 29, 2019, CSXT submitted a comment from NYSDOS stating that NYSDOS has determined that the proposed abandonment meets its general consistency concurrence criteria and that, therefore, further review by NYSDOS and concurrence with an individual consistency certification for the proposed abandonment are not required. Based on this comment, OEA concludes that the Board has satisfied its responsibilities under the Coastal Zone Management Act and recommends that the Board remove the coastal zone consistency determination condition.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the coastal zone consistency determination condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The coastal zone consistency determination condition imposed in the March 8, 2019 decision is removed.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Acting Director, Office of Proceedings.